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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,697	06/04/2001	Shinji Yoko	024607-5002	9086
9629	7590	01/09/2008		
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			EXAMINER BOYCE, ANDRE D	
			ART UNIT 3623	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/871,697	Applicant(s) YOKO ET AL.	
	Examiner Andre Boyce	Art Unit 3623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on October 11, 2007 and November 21, 2007 have been entered.
2. Claims 1-23 have been canceled. Claims 24, 25, 30 and 31 have been amended and claims 24-35 are pending.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardwell et al (USPN 6,895,403), in view of Selling by Objective (May 1984).

As per claim 30, Cardwell et al disclose a method for managing corporate objectives in multi-dimensional matrix (i.e., determination of the business purpose and strategy for the organization, including multiple critical measures axes, column 5, lines 19-23 and figure 1), comprising the steps of storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in

a database in the form of a multi-dimensional matrix, wherein each of the axes communicate both horizontally and vertically with each of the other axes (i.e., allowing all levels of an organization to be aware of the broad goals and priorities of the organization, the projects on which the teams are working on, as well as what each individual is working on, and what the priority for each task is, and the relational database used in the inventive process allows information to be shared throughout all levels of the organization, column 11, lines 62-67), prompting to input an actual performance including actual money or volume of sales performance and actual sales activities corresponding to said initial target for a predetermined term till predetermined due date by using a local and/or remote terminal (i.e., entering of critical measures, including current monthly net income in comparison to expectations, figure 1, and due dates of deliverables, figure 2); receiving said actual performance; storing said received actual performance in the database on four axes simultaneously (i.e., updating informational database, column 2, lines 65-67); managing an achievement of the target by reading the said initial target and said actual performance (i.e., each measure is tracked indicating progress, column 6, lines 46-48) and selecting any one or more from said four axes simultaneously and displaying said initial target and/or said actual performance along to the selected axis or axes on the local and/or remote terminal (i.e., selection of an account, i.e., Market Share in Garfield County, including financial performance results, figure 1).

Cardwell et al does not explicitly disclose storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the

form of a multi-dimensional matrix consisting of four inter-related axes of a product, a territory, an application and an account. Selling by Objective (SBO) discloses an action plan based upon objectives and sub-objectives (§ 24-25), wherein you can determine and manage the objectives based on considerations (i.e., inter-related axes) including territory, product line, type of customer (i.e., application), and by firm (i.e., account, §§ 21-23). Both Cardwell et al and SBO are concerned with an action plan based upon objectives, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a product, a territory, an application, and an account in Cardwell et al, as seen in SBO, as an effective first step in determining your objectives, as disclosed by SBO (§ 20).

As per claim 31, Cardwell et al disclose a method for managing corporate objectives in multi-dimensional matrix (i.e., determination of the business purpose and strategy for the organization, including multiple critical measures axes, column 5, lines 19-23 and figure 1), comprising the steps of storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the form of a multi-dimensional matrix, wherein each of the axes communicate both horizontally and vertically with each of the other axes (i.e., allowing all levels of an organization to be aware of the broad goals and priorities of the organization, the projects on which the teams are working on, as well as what each individual is working on, and what the priority for each task is, and the relational database used in the inventive process allows information to be shared throughout all levels of the organization, column 11, lines 62-67), prompting to input

an actual performance including actual money or volume of sales performance and actual sales activities corresponding to said initial target for a predetermined term till predetermined due date by using a local and/or remote terminal (i.e., entering of critical measures, including current monthly net income in comparison to expectations, figure 1, and due dates of deliverables, figure 2); receiving said actual performance; storing said received actual performance in the database on four axes simultaneously (i.e., updating informational database, column 2, lines 65-67); managing an achievement of the target by reading the said initial target and said actual performance (i.e., each measure is tracked indicating progress, column 6, lines 46-48) and selecting any one or more from said four axes simultaneously and displaying said initial target and/or said actual performance along to the selected axis or axes on the local and/or remote terminal (i.e., selection of an account, i.e., Market Share in Garfield County, including financial performance results, figure 1), and managing a sales achievement by comparing said initial target with said actual performance corresponding to said initial target and based on this comparison sorting said initial target and/or said actual performance, sorted by at least one threshold having at least one step, and displaying them on the local or remote terminal (i.e., each measure is tracked, wherein the current is compared to minimum, meets and exceeds, so executives can quickly track the issues, column 6, lines 47-50 and figure 1).

Cardwell et al does not explicitly disclose storing on four axes simultaneously an initial target, including at least a sales goal and an action plan, in a database in the

form of a multi-dimensional matrix consisting of four inter-related axes of a product, a territory, an application and an account. Selling by Objective (SBO) discloses an action plan based upon objectives and sub-objectives (§ 24-25), wherein you can determine and manage the objectives based on considerations (i.e., inter-related axes) including territory, product line, type of customer (i.e., application), and by firm (i.e., account, §§ 21-23). Both Cardwell et al and SBO are concerned with an action plan based upon objectives, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a product, a territory, an application, and an account in Cardwell et al, as seen in SBO, as an effective first step in determining your objectives, as disclosed by SBO (§ 20).

As per claim 32, Cardwell et al disclose the step of managing a sales achievement further comprises; changing a display style of said initial target and/or said actual performance based on said comparison and displaying them on the local and/or remote terminal (i.e., financial performance results, including current, minimum, meets, and exceeds, Example A and figure 1).

As per claim 33, neither Cardwell et al nor SBO explicitly disclose said actual performance further comprises a progress code, expressing progress status, including at least 'on the schedule', 'behind the schedule' and 'completed', and managing progress by displaying the said actual performance based on the said progress code and/or any one of said four axes on the local and/or remote terminal. However, this terminology is old and well known in project management, therefore, it would have been obvious to one having ordinary skill in the art at the time the

invention was made to include expressing progress status, including at least 'on the schedule', 'behind the schedule' and 'completed' in Cardwell et al, as an effective means of determining performance status.

As per claims 34 and 35, Cardwell et al disclose altering said initial target based on said actual performance and/or business trend (i.e., executive can view the organizational chart and decide to change one of the business priorities, column 12, lines 33-41).

Claims 24-29 are rejected based upon the rejection of claims 30-35, respectively, since they are the system claims corresponding to the method claims.

### ***Response to Arguments***

5. In the Remarks, Applicant argues, with respect to claims 24 and 30, that neither Cardwell et al nor SBO disclose each of the four axes communicating both horizontally and vertically with each of the other four axes. The Examiner respectfully disagrees. First, the Examiner notes that as seen in Applicant's specification (¶¶ 0079-0086), the axes are merely selected and displayed from a database. As such, and contrary to Applicant's claim language, the axes do not communicate with each other, but are simply manipulated and displayed via selection from a database (see Applicant's specification, ¶¶ 0079-0086). Similarly, Cardwell et al disclose allowing all levels of an organization to be aware of the broad goals and priorities of the organization, the projects on which the teams are working on, as well as what each individual is working on, and what the priority for each task



is, and the relational database used in the inventive process allows information to be shared throughout all levels of the organization (column 11, lines 62-67).

With respect to claims 25 and 31, Applicant argues that Cardwell et al does not disclose managing a sales achievement by comparing said initial target with said actual performance corresponding to said initial target and based on this comparison sorting said initial target and/or said actual performance, sorted by at least one threshold having at least one step. The Examiner respectfully disagrees and submits that Cardwell et al disclose each measure is tracked, wherein the current is compared to minimum, meets and exceeds, so executives can quickly track the issues (column 6, lines 47-50 and figure 1). As such, figure 1 indeed discloses sorting by at least one threshold having at least one step (i.e., current, minimum, meets and exceeds).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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adb  
January 5, 2008

  
ANDRE BOYCE  
PATENT EXAMINER  
A.U. 3623